

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUMINENT MORTGAGE CAPITAL,	:	
INC., ET AL.,	:	CIVIL ACTION
	:	
v.	:	NO. 07-5423
	:	
MERRILL LYNCH & CO., ET AL.	:	

**NOTICE OF APPEAL TO
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

Notice is hereby given that Plaintiffs Cobalt Holdings Group LLC f/k/a Luminent Mortgage Capital, Inc. and Mercury Mortgage Finance Statutory Trust in the above named case hereby appeal to the United States Court of Appeals for the Third Circuit from the *Order* [Docket No. 31] (the "Order") entered on August 20, 2009 by the Hon. R. Barclay Surrick of the District Court for the Eastern District of Pennsylvania, granting the *Motion to Dismiss the Amended Complaint* [Docket No. 13], filed by Defendants Merrill Lynch & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated; Merrill Lynch Mortgage Investors, Inc., Merrill Lynch Mortgage Lending, Inc., Merrill Lynch Mortgage Holdings, Inc., and Merrill Lynch Mortgage Investors Trust, Series 2005-A6. A copy of the Order is annexed hereto as Exhibit A.

The names of all parties to this appeal and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Party

Counsel

Appellants

Luminent Mortgage Capital, Inc.
and Mercury Mortgage Finance
Statutory Trust

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Appellees

Merrill Lynch & Co., Inc., Merrill Lynch,
Pierce, Fenner & Smith Incorporated;
Merrill Lynch Mortgage Investors, Inc.,
Merrill Lynch Mortgage Lending, Inc.,
Merrill Lynch Mortgage Holdings, Inc.,
and Merrill Lynch Mortgage Investors
Trust, Series 2005-A6

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Dated: October 19, 2009

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Statutory Trust*

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LUMINENT MORTGAGE CAPITAL,
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v.

MERRILL LYNCH & CO., ET AL.

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CIVIL ACTION

NO. 07-5423

ORDER

AND NOW, this 20th day of August, 2009, upon consideration of Defendants' Motion to Dismiss the Amended Complaint (Doc. No. 13), and all documents submitted in support thereof and in opposition thereto, it is ORDERED that the Motion is GRANTED and the Amended Complaint is DISMISSED.

IT IS SO ORDERED.

BY THE COURT:



R. Barclay Surrick, J.



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CERTIFICATE OF SERVICE

I, Alan Denenberg, Esquire, hereby certify that on October 19, 2009, I served a true and correct copy of Plaintiff's Notice of Appeal in the above captioned case electronically via the court's PACER filing system and via First Class Mail, postage prepaid on the following:

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